

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2/6/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 02-00438DAE

CASE NAME: USA v. (03)Star-Beachboys, Inc.

ATTYS FOR PLA: Edmund P. Power
John F. Cox, III

ATTYS FOR DEFT: (03)Dennis E. W. O'Connor, Jr.

USPO: Roy Kawamoto

JUDGE: David Alan Ezra

REPORTER: Debra Chun

DATE: 2/6/2006

TIME: 10:30am-11:45am

COURT ACTION: EP: Sentencing to Count 10 of the 3rd Superseding Indictment as to Defendant (03)Star-Beachboys, Inc.

The Memorandum Plea Agreement is accepted.

Presentence Report adopted. Sentencing recommendations heard.

SENTENCE:

Probation: 2 YEARS

CONDITIONS:

1. Defendant shall observe the standard conditions of probation.
2. Defendant shall not commit any Federal, State, or local crimes.
3. That the defendant provide the Probation Office access to any requested financial information.
4. That the defendant shall submit its place of employment to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall warn its employees that the premises may be subject to search pursuant to this condition.

5. That the fine of \$40,000 is due immediately and payable within 2 years on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of the organizations monthly gross income.
6. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine, delinquent taxes or special assessment.
7. As directed by the Probation Officer, the defendant shall provide to the Probation Officer a signed release authorizing credit checks and an accurate financial statement, with supporting documentation, as to all sources and amounts of income and all expenses of the defendant. In addition, the defendant shall provide federal and state income tax returns as requested by the Probation Officer.
8. That the defendant cooperate with the Internal Revenue Service by arranging for payment of any delinquent taxes, interest, and penalties.
9. The defendant shall truthfully and timely file and pay the tax owed for the year of conviction, and shall truthfully and timely file and pay taxes during the period of community supervision. Further, the defendant shall show proof to the Probation Officer of compliance with this order.
10. The defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer and shall maintain a single personal bank account into which all income, financial proceeds, and gains shall be deposited and from which all expenses shall be paid.
11. The defendant shall provide the Probation Officer with access to any and all business records, client lists and other records, client lists and other records pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Officer.

Special Assessment: \$400.00.

Defendant advised of right to appeal.

Government's Oral Motion to Dismiss All Remaining Counts as to this Defendant Only - GRANTED.

Submitted by: Theresa Lam, Courtroom Manager